

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The final Office Action dated July 20, 2006 has been received and its contents carefully reviewed.

Claims 43, 44 and 47-62 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

On page 2 of the Office Action, claims 43-44 and 49 are rejected under 35 U.S.C. § 103(a) as being anticipated by Nishiguchi (U.S. Patent No. 6,046,787) in view of Ito et al. (U.S. Patent No. 5,734,416).

Claim 43 is allowable over the cited references in that claim 43 recites a combination of elements including, for example, "...the first and second polarizing cell areas outputting first and second linearly polarized lights, respectively, the first linearly polarized light being substantially perpendicular to the second linearly polarized light..." None of the cited references, singly or in combination, teaches or suggests at least this feature of the claimed invention. Accordingly, Applicant respectfully submits that claim 43, and claims 44 and 49, which depend therefrom, are allowable over the cited references.

In the response section of the Office Action, the Examiner admits that the third embodiment of Nishiguchi discloses two circularly polarized lights having different rotational directions. In order to cure the deficient teaching of Nishiguchi, the Examiner then takes an Official Notice that a quarter wave plate can be used to change circular polarization to linearly polarization.

Applicant respectfully submits that in order to establish a *prima facie* case of obviousness under 35 U.S.C. § 103, the prior art references when combined must at least teach or suggest all the claim elements. Because the Official Notice that a quarter wave plate can be used to meet the all elements of claim 43 is believed to be a hindsight reconstruction of the claimed invention, Applicant respectfully traverses this Official Notice and requests for a documentary evidence that teaches or suggests the aforementioned features recited in claim 43. See MPEP §2144.03(c).

On page 3 of the Office Action, claims 48, 50, 52-56, 58-60 and 62 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishiguchi and Ito et al. in view of Moseley et al. (U.S. Patent No. 6,046,849). Applicant respectfully submits that because Moseley et al. fails to cure the deficient teachings of Nishiguchi and Ito et al. discussed with respect to claim 43, claims 48 and 50 are allowable over the cited references.

Claim 52 is allowable over the cited references in that claim 52 recites a combination of elements including, for example, "...the first and second polarizing cell areas outputting first and second linearly polarized lights, respectively, the first linearly polarized light being substantially perpendicular to the second linearly polarized light." None of the cited references, singly or in combination, teaches or suggests at least this feature of the claimed invention. Accordingly, for the same reasons as stated regarding claim 43 above, Applicant respectfully submits that claim 52, and claims 53-56, 58-60 and 62, which depend therefrom, are allowable over the cited references.

On page 5 of the Office Action, claim 47 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishiguchi and Ito et al. in view of Deanne et al. (U.S. Patent No. 6,627,305). Applicant respectfully submits that because Deanne et al. fails to cure the deficient teachings of Nishiguchi and Ito et al. discussed with respect to claim 43, claim 47 is allowable over the cited references.

On page 6 of the Office Action, claim 57 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishiguchi, Moseley et al. and Ito et al. in view of Deanne et al. Applicant respectfully submits that because Moseley et al. and Deanne et al. fail to cure the deficient teaching of Nishiguchi and Ito et al. discussed with respect to claim 52, claim 57 is allowable over the cited references.

On page 7 of the Office Action, claim 51 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishiguchi and Ito et al. in view of Franklin et al. (E.P. Patent Application No. 0477882 A2). Applicant respectfully submits that because Franklin et al. fail to cure the deficient teachings of Nishiguchi and Ito et al. discussed with respect to claim 43, claim 51 is allowable over the cited references.

On page 7 of the Office Action, claim 61 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishiguchi, Moseley et al. and Ito et al. in view of Franklin et al. Applicant respectfully submits that because Moseley et al. and Franklin et al. fail to cure the deficient teachings of Nishiguchi and Ito et al. discussed with respect to claim 52, claim 61 is allowable over the cited references.

Applicant believes the application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. § 1.136, and any additional fees required under 37 C.F.R. § 1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: October 19, 2006

Respectfully submitted,

By 

Eric Nuss

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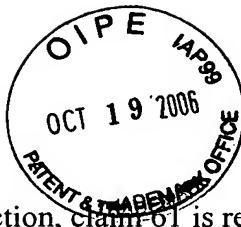
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On page 7 of the Office Action, claim 61 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishiguchi, Moseley et al. and Ito et al. in view of Franklin et al. Applicant respectfully submits that because Moseley et al. and Franklin et al. fail to cure the deficient teachings of Nishiguchi and Ito et al. discussed with respect to claim 52, claim 61 is allowable over the cited references.

Applicant believes the application is in condition for allowance and early, favorable action is respectfully solicited. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

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